

# **Credit River Township**

## **Meeting Minutes**

### **April 21, 2008**

#### **Continuation of Judicial Road Public Hearing**

Vice Chairman Leroy Schommer called the informal Public Hearing to order at 6:30 pm.

Resident Dave Cuthill inquired as to the status of the project. He was supplied a copy of the minutes. Vice Chair Schommer reviewed the minutes of the last hearing on April 7<sup>th</sup>. Attorney Ruppe noted that the official public hearing would be conducted on May 5<sup>th</sup> 2008 due to statutory notice requirements contained in Minnesota Statute 429.031 but that the Board determined to hold this second informal public hearing as residents had been advised at the April 7<sup>th</sup> informal hearing that it would be continued until April 21, 2008.

Mr. Cuthill suggested that in the future, the overall township policy ought to be reviewed so that residents can expect what percentage is to be assessed. Another approach would be to eliminate the assessment approach and consider funding the entire project only through the road fund.

Vice Chair Leroy Schommer noted that assessing for Road repairs has been the policy of the Township for many years.

Supervisor Nilsen suggested that it might be advisable to "phase in" a switch to 100% Township financing.

Bob Ruppe noted that most townships still use the assessment approach for individual roads.

Supervisor Brent Lawrence made a motion to close this portion of the informal Public Hearing which will be officially conducted on May 5<sup>th</sup> at 6:30 p.m. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

#### **Call to Order – Regular Meeting**

Vice Chairman Leroy Schommer called the regular meeting to order at 7:00 pm.

#### **Members Present:**

Vice Chairman Leroy Schommer, Supervisor Brent Lawrence, and Supervisor Bruce Nilsen.

#### **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe.

#### **Meeting Minutes**

In view of the length of the minutes from the previous meeting on April 7<sup>th</sup> and since the board members have had a chance to review them beforehand, Vice Chairman Schommer asked if there were any changes.

Supervisor Bruce Nilsen noted two changes, one with respect to the Territory LOC question and the other with respect to the Town Hall cleaning proposal and the need for bonding.

Supervisor Leroy Schommer made motion to accept the minutes with the suggested changes, Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

## Open Forum

1) Resident Al Aspengren noted that there would be a candidate forum on Wednesday night at the Legends.

Residents Tom Kraft, Al Aspengren and Greg Brown indicated that they are planning to file for the supervisor position and will make a presentation at the Legends.

2) Supervisor Leroy Schommer noted that he would like to propose that Bohnsack and Hennen spread some black dirt along the road edge in certain areas where yards have been disturbed to an extraordinary degree.

Along that same line, resident Bill Wilson presented a picture of damage done to his yard at 19075 Edgewood Lane. He was not seeking reimbursement, but noted that 156 feet of damage was done and he was hoping that in the future snow plowing operators try to be more careful. Supervisor Schommer noted that based on his actual experience it is very difficult to control large snowplowing vehicles.

## Road Repair & Maintenance Issues

### 1) Road Repair / Potholes

Supervisor Schommer noted that due to the urgency needed to get some repairs taken care of, he had inadvertently forgot about our policy of requiring bids on work over \$1000.

It was discussed that the \$1000 limit is a bit restrictive and perhaps this ought to be adjusted, at least for emergencies.

Al Aspengren inquired if standing contracts with two vendors might be in order for emergency situations. Supervisor Schommer noted that when we need supervisor approval, it is easier with two meetings per month to insure that this happens.

Attorney Bob Ruppe noted that contracts less than \$10,000 can be done without quotes. In cases where the estimated work is in excess of \$10,000 but less than \$50,000, two quotes would be required. Over \$50,000 sealed bids are required.

It was suggested that amending the Road Repair Policy and Approval Process be discussed at the next meeting.

### 2) Whitewood Ave. / White Drive

Resident Ben Parrish of Whitewood Ave. noted that the snowplow did significant damage to Whitewood Ave., largely due to the poor condition of the road in the first place. In his opinion, the road being almost 30 years old and in pretty bad shape is in need of major repair. Mr. Parrish also noted that the snowplow operator appeared to do quite a bit of damage to the mailboxes on the street.

Supervisor Schommer noted that the Township had been delaying repairs to Whitewood Ave. because of potential annexation and possibly future municipal services. That appears not to be the case at this time and the road condition ought to be reviewed. .

The Board asked that a discussion of an assessment project for Whitewood Ave. be placed on the agenda for the May 5<sup>th</sup> meeting.

Supervisor Bruce Nilsen made a motion to ask engineer Jeff Elliott to investigate the condition of Whitewood Ave. and Birch Road and prepare an estimate of what a feasibility study might cost with the goal of still completing the project this year. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Resident Jay Saterbak noted that White Drive should also be looked at. It was pointed out that the entire Franciscan Retreat area is in the same condition. Supervisor Leroy Schommer noted that a patching job might be in order.

It was his recommendation that the other Board members check out the road and that we schedule a discussion for the May 5<sup>th</sup> meeting.

3) Cleanup of Excess Rock on Roadways

Resident Charles Peterson from Scottsview Acres presented some photos showing how excessive rock has migrated into his yard.

Resident Duane Sebens of Creekwood noted that most his neighborhood is seeing the same problem.

Supervisor Leroy Schommer noted that Bohnsack and Hennen would be interested in purchasing a sweeper if they could be assured that the Township would hire them to do sweeping.

Mr. Wilson noted that the damage seems to be selective in Scottsview Estates and wonders if the fault rests more with the snow plow operator.

Supervisor Lawrence suggested that we meet with the snow plow contractors and review our concerns with them at the time the contracts are being reviewed. The thought was advanced that perhaps use of the wing might be reviewed.

The Board asked Leroy Supervisor Schommer to meet with Jim Haugh and Mike Bohnsack to review some ideas on sweeping.

4) Cul-de-sac on 204<sup>th</sup> Street

Supervisor Bruce Nilsen noted that the snowplow is unable to maneuver in the cul-de-sac and wonders if we can find a solution to improve the snow plowing operation.

The Board asked that engineer Jeff Elliott review the road and come up with a recommendation. Of concern is who owns the tree in the center of the cul-de-sac.

## **Re-Organization Items**

1) **Select Town Board Chair/Vice Chair**

Vice Chair Leroy Schommer called for motions for the position of Chairman. Supervisor Bruce Nilsen made a motion to nominate Leroy Schommer as Chairman. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Supervisor Leroy Schommer made a motion to nominate Bruce Nilsen as Vice Chairman. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Supervisor Brent Lawrence made a motion to nominate Supervisor Leroy Schommer as Chief Weed Inspector, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Supervisor Leroy Schommer made motion to nominate Supervisor Bruce Nilsen as Road Supervisor, Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Supervisor Bruce Nilsen made a motion that ALL supervisors are to be responsible for debris pick-up. Supervisor Brent Lawrence offered a second, all in favor, all in favor, motion carried 3 - 0.

Supervisor Leroy Schommer made a motion to nominate Supervisor Brent Lawrence as Parks Supervisor, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Supervisor Bruce Nilsen made motion to nominate Supervisor Brent Lawrence as Town Hall Supervisor, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Supervisor Leroy Schommer made a motion to appoint Supervisor Brent Lawrence as Technology Supervisor, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

## **2) Set Compensation**

Supervisor Leroy Schommer made a motion to keep the supervisor salaries at \$575. This includes reimbursement for cell phone usage. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Clerk Jerry Maas noted that with the slow down in construction activity as well as staff assuming more of his responsibilities, he feels that he can no longer justify the current salary of \$3600 per month. Attorney Bob Ruppe noted that if we continue to pursue incorporation, there would be a large demand upon the Clerk's time. Supervisor Bruce Nilsen made a motion to keep the Clerk's salary at the current amount of \$3600 per month until we are able to determine how the workload will be distributed following the upcoming elections. Supervisor Brent Lawrence offered a second, motion carried 2-1 (Schommer opposed).

Supervisor Bruce Nilsen made a motion to keep the Treasurer's hourly rate at \$22.50, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Supervisor Brent Lawrence made a motion to set the meeting allowance for the first meeting of the month at \$100. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Supervisor Bruce Nilsen made motion to set all other board meetings at \$100. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Supervisor Bruce Nilsen made a motion to keep the meeting rate for all other meetings at \$60. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Supervisor Bruce Nilsen made a motion to set the labor rate for a man in truck at \$40/hr and all other labor at \$25/hour, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Supervisor Brent Lawrence made a motion to keep the rate of pay for election judges at \$12/hour. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

The Board decided to keep the reimbursable mileage rate at the current IRS rate.

Supervisor Bruce Nilsen made a motion to set the rate for new road "roll tests" at \$60 for the first two hours plus \$30 for each additional hour. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

## **3) Confirm that the Town Financial Report has been submitted**

Treasurer Holly Batton noted that it is not due until 6/30/08.

## **4) Other**

Supervisor Bruce Nilsen made a motion to affirm the resident recommendations for bank depository, legal publishing agent and designated posting location. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

## **Engineer's Report**

### **1) Discuss Request from City of Lakeville to Review Comp Plan**

Engineer Jeff Elliott noted that we have received a request from the City of Lakeville to review and comment on their Comprehensive Plan. It is considered a usual request to seek neighboring community input. He asked if the Board would want staff to review.

Supervisor Leroy Schommer suggested that the Board ought to review the Plan, offer comments and that staff could then review these comments.

It was suggested that the Citizen's Advisory Group should review this also.

### **2) Review Rock Hauling / Mowing Bids**

#### **Rock Hauling**

The Board opened these bids and reported results as follows:

- a) Malecha Trucking, Montgomery, MN
  - \$ 3.15/ton from the Kramer facility in Burnsville, MN
  - \$ 4.57/ton from Castle Rock Materials in Randolph, MN
- b) Klingberg Trucking, Inc, Jordan, MN
  - \$ 3.40/ton from the Kramer facility in Burnsville, MN
  - \$ 4.50/ton from Castle Rock Materials in Randolph, MN
- c) Art Johnson Trucking, Spring Lake, MN
  - \$ 3.40/ton from Kramer facility in Burnsville, MN
  - \$ 5.25/ton from Castle Rock Materials in Randolph, MN

The Board asked Engineer Jeff Elliott to review the bids and make a recommendation.

Treasurer Batton decided to do the calculations and submitted them to the Board.

Based on these calculations, Supervisor Leroy Schommer made a motion to accept the bid from Malecha Trucking to haul rock from the Kramer facility in Burnsville. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Thereafter, Engineer Jeff Elliott noted that the previous analysis done by Treasurer Holly Batton was incorrect. The numbers for rock hauling and rock purchase were multiplied instead of being added.

Supervisor Leroy Schommer made a motion to rescind his previous motion awarding the rock hauling to Malecha Trucking. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Supervisor Brent Lawrence made a motion to award the rock-hauling contract to Klingberg Trucking to haul rock from Castle Rock Materials in Randolph, MN. Supervisor Bruce Nilsen offered a second, all in favor, motion carried. 3 - 0.

In that the representative from Malecha Trucking had already left the meeting under the assumption that they had been awarded the contract, the Board asked Treasurer Holly Batton to contact Malecha and inform them of the error.

## **Mowing Proposals**

The Board opened the bids and asked Engineer Jeff Elliott to do a comparison analysis.

### **3) Update on County Road 75**

Engineer Jeff Elliott noted that he and Greg Felt from Scott County Highway have driven the road and made notes on work that was still outstanding. The county has agreed to do some of this required work.

Engineer Elliott is in the process of reviewing the Memorandum of Agreement with respect to plans for the township to ultimately assume responsibility for this road. Attorney Bob Ruppe has prepared a contract and he and Mr. Elliott are continuing to work with the Scott County Highway Department.

It was noted by several residents in attendance, who live on the road, that it seems in better shape this year than in years past.

### **4) LOC Status**

Engineer Jeff Elliott reviewed the project list with special emphasis on the warranty and LOC expiration dates. He noted that the warranty on Margaret Lane is going to expire on 8/29/08.

After some discussion, it was noted that the LOC for Boulder Creek Drive in the Stoneridge project will expire on 9/4/08 and the warranty will also expire on 9/4/08.

## **Treasurer's Report**

### **1) Financial Report for March / Escrow Status**

#### **Escrow Status**

Treasurer Batton reported little recent activity on escrow accounts.

The Board instructed Batton to take the deficient escrow balance out of LOC proceeds for the Stonebridge project.

Treasurer Batton requested direction with regard to the Territory noting that we had received an escrow deposit for \$27,000 on March 24<sup>th</sup>. The Board instructed her to send a statement immediately.

#### **Financial Report**

Treasurer Batton read the report for March. There was some discussion regarding the Planning Assistance Loan from the Met Council. The Board suggested following the Auditors recommendation for handling these funds.

### **2) Update on New Website**

Supervisor Brent Lawrence reported that he and Treasurer Batton met with a web designer. We are close to getting approval for the .gov domain name.

Supervisor Lawrence indicated that he is hoping to have a proposal by 5/5/08 meeting with a goal to have operational by the end of May.

### **3) Update on Banyon Software**

Treasurer Batton noted that she has received good reports on the system from the City of Belle Plaine and the City of Jordan.

Treasurer Batton is recommending that we purchase this software for \$2,975 including an annual support fee of \$770.00.

Banyon will provide the training at no extra charge.

Supervisor Leroy Schommer made a motion to authorize Treasurer Batton to purchase this software package at a cost not to exceed \$2,975. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

**4) Discuss Status of Public Hearings for Stonebridge / Territory CSTS Projects**

Treasurer Holly Batton suggested that the Board determine this date at the scheduled workshop meeting with Ryan Brandt of EcoCheck tomorrow.

**Other Business**

**1) Status of Weed Ordinance**

Attorney Bob Ruppe noted that he had made the requested changes.

Supervisor Leroy Schommer made a motion to adopt the Weed Ordinance #2008-01. Supervisor Brent Lawrence offered a second, all in favor, motion passes 3 – 0. Motion made previously is superseded.

**2) Discuss Request from Scott County to Review and Comment on 2030 Comp Plan**

The Board suggested that Engineer Jeff Elliott obtain 4 copies of the Comp Plan from the county and have the CAG review along with the Lakeville Plan discussed above.

**3) Discuss Assignment of Responsibility for Fiscal Impact Study for Incorporation**

Attorney Bob Ruppe noted that Dick Aslesen has agreed to perform this analysis for a fee that Mr. Aslesen indicated that his fees would be less than the proposal we currently have from Springsted, a total of \$17,000 (\$6500 for Phase 1 and \$10,500 in Phase 2). This would be assuming no contested incorporation. Attorney Ruppe hopes to have this study finished in June.

Mr. Ruppe noted that Mr. Aslesen has the necessary credentials to meet our specific requirements. He has previously taken a township from unincorporated status to city status.

The Board asked that Mr. Aslesen provide a written report for the residents and Mr. Ruppe indicated that he would communicate this to Mr. Aslesen. There was discussion on what type of information the written report should contain. The Board referred this matter to the CAG to determine the information that they would like the financial consultant to address in their report as it may differ from the information required to be presented to the judge hearing the incorporation case. Mr. Ruppe was requested to contact Mr. Aslesen and inform him of the status of the study.

Resident Al Aspengren suggested that two Board members meet with some people who do have done this type of work.

Resident Jay Saterbak suggested that the CAG develop a list of questions to ask the financial consultants.

**4) Status of Resident Use of Town Hall**

Resident Greg Brown noted that the CAG met and discussed this issue. They discussed the security system, the ability to set it remotely, a key policy, insurance coverage, cleaning fees, waste disposal, the issue of exposed records, types of uses to be permitted, capacity, etc.

The goal of the CAG is to provide the Board with a proposed policy.

**5) Status of Orderly Annexation Agreement with Prior Lake**

Attorney Bob Ruppe noted that he has talked to City of Prior Lake. They have some concerns about the limitations we are imposing. Prior Lake City Attorney Susan Pace will mark up copy and send us their recommendations.

**6) Discuss Participation in Joint MS4 Presentation at Scott County on June 3<sup>rd</sup>**

Supervisor Leroy Schommer made a motion to approve our participation in the Joint MS4 presentation at Scott County on June 3<sup>rd</sup>. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

**7) Judicial Road**

Attorney Bob Ruppe noted that if we are to keep the bid from McNamara Trucking valid we need to award the contract by May 10<sup>th</sup> the agreed bid extension date granted by McNamara Trucking.

Supervisor Bruce Nilsen made a motion to adopt a resolution #2008-04 ordering the improvement be made to Judicial Road conditioned on final approval by the Board after the May 5th Public Hearing. Supervisor Brent Lawrence offered second, all in favor, motion carried 3 - 0.

Supervisor Leroy Schommer made a motion to adopt Resolution 2008-05 to award the contract to McNamara Construction in the amount of \$188,903.45 conditioned on final approval by the Board after the May 5th Public Hearing. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

Attorney Ruppe also noted that the residents asked for guidance as to whether the residents actually benefit from this project. He is suggesting that we have an opinion generated from a qualified appraiser and further suggested that he would recommend an individual by the name of Bill Waytas who could do this for us.

Supervisor Leroy Schommer made a motion to authorize Attorney Ruppe to make arrangements with Mr. Waytas to perform this analysis. Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 – 0.

**8) Valley Oaks Parcel**

Treasurer Holly Batton noted that we have received a request from the Minnesota Department of Revenue to confirm that a parcel located in the Valley Oaks subdivision is still designated to be used for a public purpose.

The Board authorized Treasurer Batton to respond accordingly to the Department.

**9) Filing Responsibility**

Treasurer Holly Batton noting that filing of the Township records is a responsibility of the Clerk, asked that Clerk Jerry Maas formally accept this duty. Clerk Jerry Maas agreed.

**10) Computer**



In that the Township laptop computer used by Clerk Maas to record meeting minutes as well as other records is approximately four years old and is showing signs of failure, Supervisor Brent Lawrence made a motion to authorize the purchase a new computer at a cost not to exceed \$1500, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 - 0.

## Review and Pay Bills

The Town Board approved and paid the following claims:

4/16/2008	BSC08April	Anchor Bank	Bank Chgs	\$	8.12
4/21/2008	4315	Void		\$	-
4/21/2008	4316	Xcel Energy	DSt. Francis Street Light	\$	12.33
4/21/2008	4317	Holly Batton	Expense Reimbursement	\$	434.94
4/21/2008	4318	Mn Association of Townships	Urban Short Course-Treasurer	\$	40.00
4/21/2008	4319	Fossum Construction	Culvert Escrow Refund	\$	300.00
4/21/2008	4320	Northwest Associated Consulting	Feb/March Planning & Zoning	\$	4,219.90
4/21/2008	4321	Mike's Septic Service	CSTS Pumping	\$	1,570.00
4/21/2008	4322	Integra Telecom	Phone Service	\$	343.29
4/21/2008	4323	CenterPoint Energy	Town Hall Gas	\$	132.89
4/21/2008	EFTPS	Anchor Bank	April 941 Taxes	\$	1,544.39

## Adjourn

There being no further business before the Town Board, Supervisor Bruce Nilsen made a motion to adjourn, Supervisor Brent Lawrence offered a second, all in favor, motion carried 3 - 0. The meeting adjourned at 12:30 am.

\_\_\_\_\_  
Submitted By: (s/) Jerald R. Maas  
Township Clerk  
Credit River Township

\_\_\_\_\_  
Approved By: (s/) Leroy Schommer  
Vice Chairman Board of Supervisors  
Credit River Township